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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/441,388	11/16/1999	MATTHEW ACKLEY	F0002-004001	4261

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KRISTOFER E ELBING
187 PELHAM ISLAND ROAD
WAYLAND, MA 01778

EXAMINER

DETWILER, BRIAN J

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 06/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

RA

Office Action Summary

Application No.

09/441,388

Applicant(s)

ACKLEY ET AL.

Examiner

Brian J Detwiler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 20-26 is/are rejected.
- 7) ☒ Claim(s) 18 and 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 06 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Specification

This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Drawings

The drawings are objected to because boxes S11, S12, S21, S22, SN1, and SN2 in FIG 1 require textual labels. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "the templates" in line 1. There is insufficient antecedent basis for this limitation in the claim. In order to expedite prosecution, the examiner assumes that the applicant intended for claim 4 to be dependent on claim 2, which first introduces templates.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 5-8, 10-14, 16, 20, 23-24, and 26 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by “Internet Auctions for Dummies” (Holden).

Referring to claim 1, Holden discloses in Figure 1-2 on page 14 an interface from eBay’s auction site. It includes a first sales interface at a first network address and a first set of user interface elements. As shown, the first set of interface elements includes an image and a title. Holden further discloses in Figure 2-2 on page 44 a different interface from eBay’s auction site. It includes a second sales interface at a second network address and a second set of user interface elements. The image and title from this set are different from the image and title from the first set. Holden still further discloses in Figure 6-2 on page 122 a customization interface responsive to user input to define the first and second sets of user interface elements.

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Referring to claim 5, because the customization interface is implemented via the World Wide Web as disclosed in Figure 6-2 on page 122, it is inherent that the interface is constructed using HTML or similar Web programming code. Furthermore, the existence of programming code inherently teaches user interface tokens for defining variables and interface elements such as text boxes, tables, and hyperlinks.

Referring to claims 6 and 7, Holden explains on pages 120 and 121 how to select a type of auction (transaction type) at an Internet auction Web site. Holden further explains on pages 124-127 defining attributes for the type of auction selected. The attributes include: minimum bid, reserve price, and payment and shipping terms.

Referring to claim 8, Holden discloses on page 151, step 4 allowing the user to add a personal image to their customized interface. Holden doesn't refer to the image as a "branding element", however the examiner interprets a "branding element" to be a company logo or other image of a similar nature.

Referring to claims 10 and 26, Holden discloses in Figure 6-2 on page 122 an e-mail sender address selection interface to define a sender address for email communications sent as part of a series of user interactions with one of the first and second. The seller can input their e-mail address to serve as the basis for communications with prospective buyers interacting with the sales interface.

Referring to claims 11 and 12, on page 151 Holden provides the steps of launching a web browser, navigating to a remote eBay Web site, and customizing an interface.

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Referring to claims 13 and 14, Holden explains on page 128 that eBay has an interface for sellers to select from a base categorization set and assign an item for sale to the selected category, thus defining the first and second sets of categorized interface elements.

Referring to claim 16, Holden discloses on page 93, Figure 4-3 a list of categories and subcategories for organizing items for sale. On page 92, Holden explains that a buyer can select one of the base categorization set elements and view items for sale in that category. Inherently, sellers are able to map categorization interface elements from their sales interfaces to categorization interface elements selected from the base categorization set.

Referring to claim 20, Holden discloses in Figure 6-2 on page 122 that eBay's registered users (multiple accountholders) can send customization commands to the system through a network. According to pages 122-124, the customization commands include defining a title, a description, and adding an image to a sales interface. Holden further explains on page 128 that the sales interfaces created by the registered users can be presented to buyers based on categorization input.

Referring to claim 23, Holden explains on pages 120 and 121 how to select a type of auction (transaction type) at an Internet auction Web site.

Referring to claim 24, Holden discloses on page 151, step 4 allowing the user to add a personal image to their customized interface. Holden doesn't refer to the image as a "branding element", however the examiner interprets a "branding element" to be a company logo or other image of a similar nature.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Internet Auctions for Dummies” (Holden).

Referring to claim 2, Holden fails to disclose using a series of templates to customize the interface mentioned above in reference to claim 1. Holden does, however, disclose on page 152, Figure 7-7 a series of templates that each define display attributes of one or more views for eBay’s ‘About Me’ personal homepage feature. Holden explains on page 150 that the ‘About Me’ feature can be accessed directly from a user’s sales interface. Holden further explains on page 150 that a user’s personal homepage can include information about his or herself in a customized fashion to improve the chances of selling an item. Although not explicitly stated it is implicitly implied that a user’s personal homepage is a part of the overall sales interface presented to a prospective buyer. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a series of templates to customize a sales interface because it would allow a user to effectively present more information about his or herself, thus improving the chances of selling an item.

Referring to claims 3 and 4, Holden demonstrates on page 152-153, in Figures 7-7 and 7-8 that the templates are implemented via the World Wide Web. Holden does not specifically mention that the templates comprise user interface tokens or that they are constructed and

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adapted to receive scripting commands. However, because the templates are implemented on World Wide Web, it is inherent that they comprise scripting commands conforming to the standards of HTML or another Web programming language. Furthermore, the existence of scripting commands inherently teaches user interface tokens for defining variables and interface elements such as text boxes, tables, and hyperlinks within the interface's code.

Referring to claim 21, Holden fails to disclose customizations of templates at the sales interfaces mentioned above in reference to claim 20. Holden does, however, disclose on page 152, Figure 7-7 a series of templates that each define display attributes of one or more views for eBay's 'About Me' personal homepage feature. Holden explains on page 150 that the 'About Me' feature can be accessed directly from a user's sales interface. Holden further explains on page 150 that a user's personal homepage can include information about his or herself in a customized fashion to improve the chances of selling an item. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to customize templates in a sales interface because it would allow a user to effectively present more information about his or herself, thus improving the chances of selling an item.

Referring to claim 22, Holden demonstrates on page 152-153, in Figures 7-7 and 7-8 that the customization interface is implemented via the World Wide Web, but does not specifically mention that it comprises user interface tokens.

Claims 9 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Internet Auctions for Dummies" (Holden) as applied to claims 1 and 20 respectively, and further in view of U.S. Patent No 5,809,242 (Shaw et al).

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Holden fails to disclose customization of a plurality of e-mail templates as a part of the customization interface. However, Holden explains on page 181 that, “the most important tool for anyone buying or selling online is electronic mail.” Furthermore, the use of templates for simplifying e-mail correspondence is not a new feature. Shaw discloses in column 13, lines 55-60 an interactive banner advertisement where advertisers trying to sell a product have included an e-mail template. A user can click on the banner and then be provided with a template for sending a relevant e-mail message directly to the advertiser. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include email templates in the customization interface. Email templates provide a simple and integrated method of communication between a buyer and a seller. This is beneficial because, as Holden explains on page 181, communication is a very important aspect of online transactions.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over “Internet Auctions for Dummies” (Holden) as applied to claim 14 above, and further in view of US Pub 2001/0032170 (Sheth).

Holden fails to mention that a user can create additional categorization elements. Sheth, however, discloses on page 7, paragraph 111 a customizable user interface as part of an online bidding system. A user wishing to submit a project can choose to categorize the project based on an existing category or define a new one that is more appropriate for the specific project. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the capability for users to define new categories in a sales interface. If a seller wants an item to get noticed among hundreds or even thousands of other

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items, it would be very important that the item is categorized in the most appropriate area. With the extensive variety of items that can be sold online, however, an appropriate category may not exist for every item up for sale.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over “Internet Auctions for Dummies” (Holden) as applied to claim 13 above, and further in view of U.S. Patent No. 5,701,137 (Kiernan et al).

Holden does not disclose that the categorization interface elements include collapsible categorization interface element trees. However, using collapsible trees to categorize information is not a new feature. Kiernan discloses in FIG 4 a collapsible tree interface for categorizing computer resources. Additionally, Kiernan explains in column 1, lines 24-31 that large lists of files, directories, and other computer resources can be effectively displayed in a tree structure. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use collapsible interface element trees in a sales interface because it would be beneficial to organize and display the large lists of categories and items for sale in an efficient manner.

Allowable Subject Matter

Claims 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The following is a statement of reasons for the indication of allowable subject matter:
The prior art teaches adding additional category elements but fails to teach providing individual specification elements for each category or an attribute to indicate that a category is unused.

Conclusion

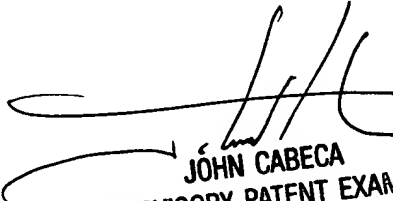
The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach online customization of user interfaces.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J Detwiler whose telephone number is 703-305-3986. The examiner can normally be reached on Mon-Thu 8-5:30 and alternating Fridays 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on 703-308-3116. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

bjd
May 31, 2002


JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100